IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20063 of 2004

Between:

The Nandyal Cosmopolitan Club, Nandyal,

rep.by its president Bekkam Venkata Subba Reddy,
S/o.Padigala Reddy, Retd. Civil Surgeon,
R/o.Srinivasa Nagar, Nandyal, Kurnool District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh,

rep.by its Principal Secretary, Home Department,
Secretaraiat Building, Hyderabad.
2 The Deputy Superintendent of police, Nandyal, Kurnool District.
3 The Station House officer, Nandyal II Town Police Station,

Nandyal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in directing the members of the petitioner club not to play game of Rummy as arbitrary and illegal and consequently direct the respondents not to interfere with the legal activities of the petitioner club.

Counsel for the Petitioner: MR.C.PRAKASH REDDY

Counsel for the Respondents: GP FOR HOME

The Court at the admission stage made the following :

ORDER:

In the writ petition the petitioner is seeking a writ of Mandamus declaring the action of the respondents in directing the members of the petitioner Club not to play game of Rummy as arbitrary and illegal and consequently direct the respondents not to interfere with the legal activities of the petitioner Club.

Heard both sides.

It has been represented by the learned counsel for the petitioner and also by the learned Government Pleader for Home that the issue involved in this writ petition is squarely covered by a Judgment of Division Bench of this Court in Writ Appeal No.1167 of 2002, dated 29.07.2002, wherein it is held as follows:

> "Therefore, the police authorities cannot obstruct the writ petitioner-club from conducting card room where the members and guests of the writ petitioner's cultural center are allowed to play the game of rummy with stakes syndicate (thirteen card game). At the same time, we make it clear that the police is always at liberty to enter the premises and check as to whether the cultural center of the club is conducting card room where the members and guests of the petitioner's cultural center are playing the game of rummy with stakes/syndicate (thirteen card game), for the purpose of verification. If they receive any intimation, the police may enter the club and verify the same and proceed further if the members and guests of writ petitioner's cultural center play other than the game of rummy with stakes syndicate (thirteen card game). The police authorities are also at liberty to proceed with the cases, which are already registered. The Writ Appeal is disposed of accordingly."

Following the same and for the reasons mentioned therein, the writ petition is disposed of in terms of the above decision of the Division Bench. However, it is made clear that the respondents are at liberty to take appropriate action against the members of the petitioner-Club if they promote any illegal activity at the premises of the petitioner-Club. It is also made clear that in case any search or inspection is conducted in the premises of the petitioner, it should be done in the presence of the mediators, who are having respectable status in the society. No costs.

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02-11-2004

vs

To

1 The Principal Secretary, Government of Andhra Pradesh,

Home Department,
Secretariat Building, Hyderabad.
2 The Deputy Superintendent of police, Nandyal, Kurnool District.
3 The Station House officer, Nandyal II Town Police Station,

Nandyal, Kurnool District.

4 2CCs to the G.P for Home, High Court Buildings,

Hyderabad(O.U.T).

5 2CD copies